UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,333	12/15/2003	Nagalinga Durga Prasad Sripathi Panditharadhya	MSFT-2754/304830.01	3726

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EXAMINER
HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date *3/18/04*.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: the application filed on 12/15/03,

and the IDSs filed on 3/18/04.

2.   Claims 1-20 are pending in the case. Claims 1, 5, and 13 are independent

claims.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims 5-12 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claims 5-12 are directed to an editor for

defining an XML schema. Said editor is not a statutory subject matter since it does not

fall within the statutory subject matter as above. The editor as claimed is merely a

combination of views related to an XML schema where said combination is non-

functional descriptive material. See MPEP 2106.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Olsen (US Pat App Pub No 2004/014862, 7/29/04, filed 1/27/03) in view of Hohmann et

al. (US Pat App Pub No 2005/0256965, 11/17/05, priority 4/7/00).

Regarding independent claim 1, Olsen discloses:

- including nodes within said XML schema to define characteristics of the non-XML

   data stream (figures 2B, 5A-B, [0025], [0026])

Olsen does not disclose:

- receiving said non-XML data stream

- parsing said non-XML data in accordance with information contained in said

   nodes

- creating said XML instance containing said input data

Hohmann discloses:

- receiving said non-XML data stream ([0295]: receiving non-XML document)

- parsing said non-XML data in accordance with information contained in said

   nodes ([0295], figure 16)

- creating said XML instance containing said input data ([0295])

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hohmann into Olsen since Hohmann discloses generating

a XML instance via a XML data from a non-XML data providing the advantage to

incorporate into the XML schema for the input data in Olsen for obtaining a XML

instance for some input data according to a XML schema.

Regarding claim 2, which is dependent on claim 1, Olsen discloses defining, in said

XML schema, delimiters, TagNames, positional information within said non-XML data

stream (figures 2B, 5A-B).

Regarding claim 4, which is dependent on claim 1, Olsen discloses that the non-

XMLdata comprises at least one of flat files, EDI files, and COBOL files (figures 2B, 5A-

B).

7.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in

view of Hohmann as applied to claim 1 above, and further in view of Fuh et al. (US Pat

App Pub No 2004/0073870, 4/15/04, priority 10/15/02).

Regarding claim 3, which is dependent on claim 1, Olsen and Hohmann does not

disclose annotating said XMLschema with said nodes in accordance with standard

conventions applicable to an XSD schema.

Fuh discloses annotating the XMLschema with said nodes in accordance with standard

conventions applicable to an XSD schema (figures 3-4, [0007], [0026], [0029]-[0030],

[0036]).

 It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Fuh into Hohmann and Olsen for the following reason.

Fuh discloses annotating the XML schema with nodes in accordance to an XSD

schema providing the advantage to include in the XML schema in Hohmann and Olsen

for offering an easy understanding of a XML schema via annotations.

8.   Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fuh et al. (US Pat App Pub No 2004/0073870, 4/15/04, priority 10/15/02).

Regarding independent claim 13, Fuh discloses:

- providing assemblies containing implementation to extend a functionality of a

  schema compiler ([0029], [0035]: providing the Annotated Automation Encoding

  format with the addition of annotations, which is attributes for element nodes in

  the XML schema tree shows assemblies with implementation to extend a

  functionality of the XML schema compiler)

- referencing definitions of interfaces for exposing extended functionalities to said

  schema editor (figures 3, 5)

Fuh does not explicitly disclose the schema editor. However, Fuh does teach the XML

schema compiler which receives XML schema definition as input and generates a

structured hierarchy for the XML schema definition and represents it in an annotated

tree ([0034]-[0036]).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have modified Fuh to include a schema editor since the feature in Fuh

implies that the schema is added with annotations, and thus modified. This suggests

that the XML schema compiler further has a role of an editor.

Regarding claim 14, which is dependent on claim 13, Fuh discloses that said extended

functionalities include additional properties added to elements and attributes of an XML

schema ([0029], figures 3, 5: additional attributes via annotations in the XML schema

tree shows additional properties added to elements of an XML schema).

Regarding claim 15, which is dependent on claim 14, Fuh discloses providing a property

manager that implements an interface to define custom properties for said elements and

attributes ([0035]: defining attributes of the element nodes where the attributes are

considered custom properties implies that there is a properties manager for performing

said function).

Regarding claim 16, which is dependent on claim 15, Fuh discloses storing said custom

properties within said XML schema (figure 3, #308).

Regarding claim 17, which is dependent on claim 15, Fuh discloses annotating said

XML schema to describe non-XML data streams (figure 3, [0040], [0041]).

Regarding claim 18, which is dependent on claim 15, Fuh discloses providing a

validator to validate said custom properties ([0047], [0048][0064], [0071], [0072]).

Regarding claim 19, which is dependent on claim 15, Fuh discloses providing an

instance generator for generating an instance of said XML schema (figure 5).

Regarding claim 20, which is dependent on claim 13, Fuh discloses annotating a

schema being edited by said schema editor to include information about said extended

functionalities ([0033]-[0035]: annotations for XML schema shows annotating a schema

which is edited to include attributes of sub-elements, which are considered information

about extended functionalities).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Vincent, III (US Pat App Pub No 2004/0268240, 12/30/04, priority 6/11/03).

Brandt et al. (US Pat App Pub No 2004/0153171, 8/5/04, priority 10/21/02).

Idicula et al. (US Pat App Pub No 2005/0050056, 3/3/05, priority 8/25/03).

Allan et al. (US Pat App Pub No 2005/0102612, 5/12/05, filed 11/6/03).

Lynch et al. (US Pat App Pub No 2005/0177805, 8/11/05, filed 7/28/04).

Belfore et al. (US Pat App Pub No 2002/0059425, 5/16/02, priority 6/22/00).

Jones et al. (US Pat App Pub No 2004/0172594, 9/2/04, filed 2/28/03).

Jacobs et al. (US Pat App Pub No 2004/0177094, 9/9/04, filed 3/6/03).

Ballinger et al. (US Pat No 6,898,604, 5/24/05, filed 6/29/01).

Lee et al. (US Pat App Pub No 2004/0088332, 5/6/04, priority 8/28/01).

Skonnard, .Net XML Best Practices – Choosing an XML API, Google 7/16/03, pages 1-

11.

Ives et al., An XML Query Engine for Network-Bound Data, Google 12/13/02, pages 380-402.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cong-Lac Huynh
Primary Examiner
Art Unit 2178
02/02/06